



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 6

PANKAJ B. PATEL
1900 N. NEBRASKA AVE.
TAMPA, FL 33602

COPY MAILED

JUN 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Pankaj B. Patel :
Application No. 09/785,775 :
Filed: February 20, 2001 : ON PETITION
Title of Invention: BIOMETRIC :
SWITCH AND INDICATING MEANS :

This is a decision on the petition under 37 CFR 1.137(a); filed June 17, 2004, to revive the above-identified application.

This Petition is hereby dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (hereinafter "Notice"), mailed September 18, 2001. The Notice set a two (2) month period for reply. No response having been received, the application became abandoned on November 19, 2001. A Notice of Abandonment was mailed May 27, 2004.

Applicant files the instant petition wherein Applicant avers that he did not receive the Notice.

Applicant is advised that an allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the Applicant stating that the Office communication was not received by the Applicant and attesting to the fact that a search of the file jacket and

docket records indicate that the Office communication was not received.

2. A copy of the file jacket or docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in Applicant's statement.

Accordingly, Applicant's assertion, that the Notice was not received, is insufficient to justify withdrawing the holding of abandonment. Applicant must also attest to the fact that a search of the file jacket and docket records indicate that the Notice was not received, and provide a copy of the docket record (or file jacket) where the non-received Notice would have been entered had it been received and docketed.

Applicant should file a Request for Reconsideration of Petition and include the necessary statements and copies of documents.

It is also noted that Applicant has provided an alternative mailing address. Applicant is advised that this Office does not engage in dual correspondence. If applicant has a correspondence address that is different from the address of record with this Office, Applicant must notify this Office.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: 2201 South Clark Place
Customer Window
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions